

Appl. No. 10/676,955  
Atty. Docket No. 8778CC  
Amdt. dated November 29, 2004  
Reply to Office Action of July 29, 2004  
Customer No. 27752

REMARKS

Claims 1, 2, 4-7, 12, 14-21, 29, 31, 33-35, 38-40, and 53-58 are pending in the present application. Claims 3, 8-11, 13, 22-28, 30, 32, 36, 37, and 41-52 are/have been cancelled without prejudice. Claims 1, 2, 4-7, 12, 14-21, 29, 31, 33, and 38 have been amended. Claims 53-58 are new.

Specification

Applicants have amended the Specification as suggested by Examiner.

Suggestions Re Claims

Applicants have amended the Claims as suggested by Examiner.

Rejection Under 35 USC §112, First Paragraph

The Office Action states that claims 38-40 and 46 are rejected under 35 U.S.C. §112, first paragraph, failing to comply with the written description requirement. Particularly, the Office Action states that “the original specification does not mention anything about there being distinct rows as recited in claims 38 and 46, let alone in the specific manner recited therein”.

Claims as filed in the original specification are part of the disclosure and, therefore, an unamended claim cannot be rejected based on the written description requirement (except under rare circumstances) as stated in section IIA of the “Guidelines for Examination of Patent Applications Under the 35 U.S.C. §112, para. 1 ‘Written Description’ Requirement,” Federal Register, Vol. 66, No. 4, pp. 1099-111 (Jan. 5, 2001). Rather, as provided in MPEP §2163.06, “if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter.”

Because the portion of Claim 38 at issue has not been amended, and because Claims 39 and 40 have not been amended, Applicants assert that the original specification does disclose distinct rows as specifically recited in the claims. Thus, it is requested that the §112, para. 1 rejection be reconsidered and removed. Claim 46 has been cancelled for other reasons.

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While Applicants rely upon original claims for support, Applicants, for clarity of record, assert that Fig. 8 A does teach at least three distinct rows. Several of the rows may be arcuate. Additionally, the rows need not run from one side or end to the other.

Rejections Under 35 USC §103(a)

Claims 1-8, 10-25, 26, 28-33, 34, 35, 42-45, and 47-52 have been rejected under 35 USC §103(a). However, the amendments made to independent Claims 1 and 19, as well as the above-noted cancellations, eliminate the applicability of said rejection.

Conclusion

Early and favorable action in the case is respectfully requested. Further, in view of the foregoing, Applicants respectfully request allowance of the pending claims.

Respectfully submitted,  
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